



CONNECTION

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Citizen Of The Year

THE EDMONTON JOURNAL, Sunday, January 25, 1987

Michael Phair had been to the Charles Camell Hospital frequently to see his friend, who had AIDS.

The disease had hit Phair's friend hard. It was affecting his brain, making him half-hysterical at times. Then one day last February, Phair walked past an unoccupied nurses' station and opened the door to the hospital room expecting to see his friend.

The room was empty.

"The nurse ran down and grabbed me, and said, 'I wanted to catch you,'" Phair said quietly, his voice trailing off.

"He had died during the night. It was a real jolt."

Phair, the gay, slightly balding, middle-aged chairman of the AIDS Network of Edmonton, sat in the group's downtown office as he talked about the most uncomfortable of subjects — death.

Death is something only older people had to deal with it, he thought. But the appearance of a mysterious fatal disease, one that breaks down the body's immune system, has changed all that.

Eight of his friends and acquaintances in the Edmonton gay community have died of AIDS in the past three years.

Last summer was particularly painful for him. Five of his friends died.

Phair, who was born in Wisconsin and came to work in Alberta nine years ago, has been the driving force behind the AIDS Network since its beginnings in 1984.

On leave from his job with Alberta Education, Phair had just returned from San Francisco after completing a master's program in early childhood special education.

Paranoia about AIDS had reached a crescendo in San Francisco, and Phair was looking forward to returning to a much more relaxed atmosphere in Edmonton.

But two days after his return, the first case of AIDS was diagnosed here.

A month later, Phair and four others were holding a press conference announcing the formation of an AIDS support group. "A number of people who have died of AIDS here are people I have known for years. It was



Michael Phair, founder of the AIDS Network in Edmonton
... "people were dying here and I wanted to help in some way if I could"

frightening. I wanted to help in some way."

Phair's help has been immeasurable. He nurtured the group along its early days as a committee under GATE (Gay Alliance Toward Equality), recruiting volunteers and gathering information about the disease. Now it has grown to be a separate organization, with five permanent staff and about 50 volunteers.

The Network educates the public about AIDS, preaches prevention to high risk groups (one of which is the gay community), and provides emotional support to AIDS victims, their lovers, friends and relatives.

Although deeply involved in the AIDS Network, Phair still holds down a job in the provincial civil service, moving from the education department to become manager of settlement services in 1985.

He is also a sessional instructor at Grant MacEwan Community College.

There's more. Phair was recently elected chairman of the Canadian AIDS Society.

"His administrative skills in dealing with government and other institutions are invaluable," said office co-ordinator Tom Gale. "His insights have helped the Network."

"He certainly pushed and pulled and set some high goals many didn't think were possible," says Barry Breau, the Network's executive director.

"He's determined and dedicated to seeing that the (AIDS) issue is dealt with, that people who need help get help. He's also very optimistic."

Phair has had to be an optimist. He and the AIDS Network have put up with the kind of abuse no fledgling organization should have to endure. Members of the public, politicians and other agencies still consider the Network a fringe group at best.

Phair remembers a city alderman who refused to entertain the group's request for funding, saying council might consider it if the Network "weren't a bunch of homosexuals."

"I don't care if we have 42 shoes

and pink polka-dots and red tails," Phair says angrily. "The issue is people are sick and dying, and there are more people likely to get it, and we want to do something about it."

Phair speaks wryly of other examples of "AIDS-phobia," an attitude and ignorance that led to some irrational behavior.

Staff in certain Edmonton hospitals, afraid to go into the rooms of AIDS patients, would leave food trays outside; cleaning and nutritional staff would also refuse to go into the rooms. Those who did were required to wear "plastic everything from head to foot."

Hospital officials felt compelled to identify AIDS victims to the media on their own, a practice otherwise strictly forbidden.

Funeral homes didn't want anything to do with the bodies of AIDS victims.

Even worse were the hate-mongers Phair encountered during appearances on radio talk-shows. Some Edmontonians called in saying, "Those people are getting what they deserve," and "Why don't we just shoot them?"

"When they're saying that... it can make me angry," he said. "It worries me that people can be narrow-minded. There needs to be room in the world for every human being — we all have rights."

But things are getting better, said Phair. The Network has worked hard to change attitudes through public education.

A donation from the Clifford E. Lee Foundation was the catalyst in convincing other private groups that the Network is worthy of financial support.

Private and government funding enabled the Network to secure an office last February, and Phair's home, which had served as the group's office for about two years, became his own domain once again.

The new office is nestled on the second floor of a two-storey cinderblock building, almost hidden in a downtown alley. "Opening the office has been a monumental event and a real celebration," said Phair.

by Bob Boehm

Gay rights protection not needed—evangelicals

By PAUL De GROOT
Journal Staff Writer

Inclusion of homosexual rights in federal human rights legislation rides roughshod over religious values, says the Evangelical Fellowship of Canada.

In a discussion paper prepared by its social affairs committee, the EFC says the prohibition of discrimination on the grounds of "sexual orientation" is unnecessary to protect homosexuals and represents intrusion of government into areas of private morality.

The government is currently studying the federal Human Rights Act and is planning to introduce amendments shortly to bring the act into line with Section 15 of the Charter of Rights and Freedoms, which came into effect in 1985.

The section says every individual is equal before the law and is entitled to the protection and benefit of the law "without discrimination and, in particular, without discrimination based upon race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Recommended addition

A parliamentary committee which studied the issue recommended in 1985 that "sexual orientation" be added to the list.

Sexual orientation is different from the other items on the list because characteristics such as race or sex are "morally neutral" while sexual orientation is a particular lifestyle, says the EFC.

"In essence, what now serves to provide an environment of fair play for all Canadians, gets caught up in the dubi-

ous task of requiring support for a particular lifestyle."

The parliamentary committee recommending addition of the phrase said in its report that it "addresses some of the most difficult moral and religious concerns of Canadians."

But the committee did little with these concerns other than mentioning that they exist, the EFC charges.

Dilemmas recognized

The parliamentary report also said that while recognizing the social dilemmas the question raises, the government believes that "no one should be denied opportunities for reasons which are arbitrary or irrelevant."

Says the EFC paper: "We couldn't agree more . . . But nothing so fundamental as human sexuality should be considered irrelevant. And the widespread disapproval of certain sexual lifestyles, regarded by many as sexual disorientation, should not be automatically labeled 'arbitrary.' If the issues really are difficult, then it is patronizing double-talk to label a position as 'arbitrary.'

Inclusion of sexual orientation in human rights legislation implies social approval of various sexual lifestyles, the EFC statement says. As a result, religious groups may be accused of attacking homosexuals simply by teaching their own beliefs about sexuality.

Long-term effects dramatic

The evangelicals claim other, long-term effects of the legislation could have a dramatic impact on the legal and social structures of society. These may include:

- New legal protection for deviant sexual behaviours such as pedophilia, necrophilia, and bestiality, all of which are "sexual orientations," in the absence of any legal definition restricting the phrase to homosexuality and heterosexuality.

- Religious social agencies being required to hire people who do not share their convictions on sexual behaviour.

- Legalization of homosexual marriage, including family and health benefits to homosexual couples, and adoptions of children by such couples. Current laws against such marriages could be found discriminatory.

- Pressure on schools to teach that homosexual activity is "equal to and just as desirable as marriage and family life."

The EFC says the addition of "sexual orientation" to provincial or federal human rights codes is not necessary to protect homosexuals. Homosexuality is not a crime in Canada and homosexuals have all the legal and constitutional rights of other Canadians.

A homosexual who loses his job can sue for wrongful dismissal or file a grievance as can anyone else.

"But those who wish to add 'sexual orientation' to the human rights code refuse the term 'equal rights.' Instead they ask that homosexuals receive special status as a specially protected group . . . What they want is special recognition of their lifestyle and sexual preference."

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odd jobs such as selling Amway products, working as a travel agent and baking. He fell deeply into debt.

Mr. Jewell said the first legal action, a suit for wrongful dismissal against the ORC, was settled in 1986. Mr. Damien was given the equivalent of a year's wages plus interest, totalling about \$50,000.

A second and more significant case was launched after defence lawyers discovered that a Fort Erie racetrack doctor had informed the Ontario Jockey Club in 1974 that Mr. Damien was a homosexual and that he had a relationship with a person employed at the Fort Erie track.

A civil trial for the suit was finally fixed for September. But, in August, doctors found that Mr. Damien had inoperable cancer of the pancreas and he was too ill to attend. He lived with his sister, Jacqueline Deschamps, in Windsor until he died.

Mr. Jewell said plans to hear Mr. Damien's evidence from his sickbed were at first delayed by lawyers in the case and then blocked by doctors because of his worsening condition.

He said the case should continue in March, carried on by Mrs. Deschamps, the executor of Mr. Damien's estate.

John Hofess, a Toronto writer who began a biography of Mr. Damien about eight months ago, said the book and a National Film Board production about the case will continue as a legacy to the man.

Much as it does for their southern counterparts, politics divides Yukoners along left-right lines.

Nothing demonstrates this as clearly as the debate now raging in the territory over a proposed human rights act.

After a spring 1985 election, the NDP formed a minority government. It was the first time the Conservatives had been out of power since the territory adopted party politics in the late 1970s.

Barely six months later, Yukoners were presented with an ambitious — and some thought radical — plan to protect the rights of minorities, including homosexuals.

The bill, modelled on similar legislation in force elsewhere in Canada, reflected what Yukon Justice Minister Roger Kimmerly likes to call "the modern expression of human rights" in Canada.

But for many Yukoners, who seem to have an innate distrust of big government, it was just another chance for bureaucratic meddling in their private lives and business affairs.

This time it is almost assured passage: with the resignation last month of former Yukon Liberal leader Roger Coles, who was convicted

analysis

YUKON POLITICS

of trafficking in cocaine, the NDP now holds a bare majority in the assembly.

But because of searing rhetoric on both sides, the issue of human rights has failed to transcend partisan politics.

Both camps claim to be motivated by principle. Kimmerly likens current pay inequities to past injustices such as slavery and child labor, and says a democracy is judged by how it treats its minorities, including homosexuals.

But Conservative Leader Willard Phelps worries that by moving too far and too fast, the government will destroy the degree of tolerance Yukoners now have for individual lifestyles.

But the bottom line is still politics. The Conservatives must hope the Yukon's NDP government has bitten off more than the public is prepared to swallow.

With its attempts this week to soft-pedal some of the more controversial aspects of the human rights package, the Yukon's NDP appears eager to ward off that prospect.

ALBERTA REPORT

NOV 86

AIDS victims and the right to work

As a veteran flight attendant, Donald McCracken served meals and drinks to thousands of airline passengers. But in August, 1985, he took sick leave from the job he had held for 10 years. Nine months later McCracken, 29, died of AIDS (Acquired Immune Deficiency Syndrome) — a disease that neither he nor his employer, Calgary-based Pacific Western Airlines Ltd. (PWA), realized that he had while he was working. Now, another PWA flight attendant, diagnosed as suffering from AIDS, is appealing a company decision last June to remove him from his job — even though one of the airline's doctors had pronounced him fit for duty. Dianna Rienstra, a spokesman for the airline division of the Canadian Union of Public Employees (CUPE), said that overturning that ruling at an internal company hearing in Vancouver this week could set a precedent for service industry workers across Canada. Said Rienstra: "We do not believe that a company should have the right to remove someone from a job when he has been declared medically fit."

Despite such assurances, many employees object to working with known AIDS victims. Declared Terry Champion, an Edmonton-based spokesman for 300 PWA pilots: "We do not believe that medical science knows enough about the AIDS virus to guarantee the safety of passengers and crew. No evidence has been presented to satisfy us that there is no possibility AIDS can't be transmitted in food or by casual contact."

In response, union representatives have enlisted the support of medical experts, among them Dr. Hilary Wass, an AIDS specialist at St. Paul's Hospital in Vancouver. Said Wass: "As long as they don't have sex with him or get a blood transfusion from him, I would say that the chances of somebody catching AIDS from their flight attendant are zero."

But James St. James, a spokesman for the Toronto People With AIDS Coalition, said that workers who tell their employers that they have AIDS are likely to lose their jobs. According to St. James, one Toronto restaurant owner who discovered that one of his waiters had AIDS gave him \$12,000 in severance pay — provided he quit his job immediately. Declared St. James, a 32-year-old actor who says that his three-year-old case of AIDS is in remission: "Most of the people I know are either too sick or too ill to work. That's why you may not hear too much about AIDS discrimination."

Still, Robert Tivey, project director for AIDS Vancouver, a support group established in February, 1983, said that the hearing had implications much larger than one man's right to work. And he suggested that, unless checked, job discrimination against potential AIDS victims could increase in the future as the disease spreads. Said Tivey: "You have to look at who might be next, say people suspected of having AIDS and anyone in a high-risk group. And the most common high-risk group is homosexual men." Added Tivey: "The hearing could have an effect on virtually all service industries."

AIDS VICTIMS...CONTINUED
ON LAST PAGE

Gay charge cost steward track job

BY MARY GOODERHAM
The Globe and Mail

John Damien's legal battles will survive him.

Almost 12 years after being fired by the Ontario Racing Commission for being a homosexual, the former jockey and racing steward died of cancer of the pancreas in Windsor last week. He was 53.

"John wanted the case kept up," Paul Jewell, a Toronto lawyer who has represented Mr. Damien since he was fired, said in an interview. "He knew that if he died we would carry it on, and as far as I'm concerned we're going to carry on."

John Damien

Mr. Damien, whose job was to supervise the ORC's regulations and rule on contentious races, was dismissed on Feb. 6, 1975, and told it was because he was a homosexual.

Mr. Damien's firing became celebrated, a defence fund was set up and the case was picked up by civil libertarians, journalists, lawyers, doctors and politicians as a clear case of discrimination.

Despite the publicity about the case, court actions launched in 1975 dragged on without being brought to trial. He supported himself by doing

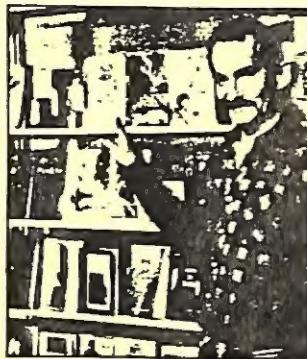
Sad times for gay books

Customs agents target a homosexual bookstore

Lured by what he thought was its liberal-anything-goes approach to life, former Calgary teacher James (Jim) Deva, 35, and his friend Bruce Smyth, 34, moved to Vancouver four years ago to open a bookstore catering to homosexuals. With a stock of books and magazines containing some 1,000 titles, their "Little Sister's Book and Art Emporium" prospered, despite economic recession. But not everybody is impressed by the store's "artistic" content. In fact, Canada Customs fears that much of the Sister's library may be downright obscene, and last month officials at its Vancouver Air Cargo Customs office seized a shipment of 600 magazines and books, worth a collective \$10,000, bound for the shop from the U.S. Among the publications: 75 copies of the January 3 issue of the *Advocate*, a gay newspaper from Los Angeles, and copies of several books graphically describing homosexual anal sex.

Assorted civil liberties groups are denouncing Canada Customs for violating the gay community's constitutional right to read whatever it wants, however sordid. Declares Vancouver MP and New Democratic justice critic Svend Robinson: "I think this particular set of regulations is Draconian and probably in contravention of the charter of rights." A *Vancouver Sun* editorialist wrote that, "It's bad enough that government officials should be in a position to make arbitrary decisions dictating what Canadians may see or may not see and read. But when the censorship is aimed continuously at a business catering to a particular group of readers, it's disgraceful." Not to be outdone, John Dixon, president of the B.C. Civil Liberties Association, demanded to know, "How in God's name can [Customs] set themselves up as a censoring board beyond the courts?"

For his part, Mr. Deva notes that many of the books seized are available not only in other city bookstores, but in the Vancouver Public Library. Among the titles he cites: *Querelle of Brest*, a story about a homosexual sailor and murderer by French convict Jean Genet; *Straight*



Store-owner Deva
Describing buggery is wrong.

Hearl's Delight, a collection of poetry by Allan Ginsberg; and Heinz Heger's *The Men with the Pink Triangle*, about Nazi persecution of gays. Mr. Deva insists that this stuff doesn't violate Canadian obscenity laws; rather it probably irks a Customs officer who is "homophobic" and intent on putting Sister's out of business.

Nonsense, replies Clarie Martin, public relations spokesman for Canada Customs' Pacific Region. Firstly, the material in question was not "seized," but merely "detained" until officials can determine if it does indeed violate Criminal Code Section 155 which proscribes, "Portrayals or descriptions of the act of buggery

(sodomy), including descriptions involving implements of all kinds." Secondly, local officials do not decide which publications to detain; they simply adhere to a monthly 110-page memorandum issued by Thomas Grieg, the assistant deputy minister of customs programs in Ottawa, alerting them to the titles of possibly obscene books, magazines, videos and movies.

Mr. Martin doesn't know why many of the detained titles are already sitting on other Vancouver store and library shelves. He does point out, however, that customs officers conduct only random spotchecks of incoming shipments. Why then, wonders Mr. Deva, do customs people repeatedly target his stuff? (Since his store opened, Customs has seized 300 of its books and periodicals.) Mr. Martin says he is unaware of any irregular treatment of any Vancouver importers. But David Goble, customs and traffic manager for Clearfast Custom Brokers Ltd., says that because Sister's is a known importer of obscene material, border officials are more likely to investigate its shipments.

Still, spokesmen for Vancouver gays and city newspapers insist the seizures represent discrimination against homosexuals, pure and simple. The *Vancouver Sun*, after noting that the *Advocate* was detained because of a reference to bondage in one of its personal ads, wonders, "Have the customs agents never read the ads in the *Buy and Sell*?"

David Philip

AIDS VICTIMS2

Anyone working directly with the public—including waiters or hospital orderlies who are handling patients—could be affected."

Meanwhile, other airlines, including Canadian Pacific Air Lines, are awaiting the out-

come of the PWA hearing before determining their policies on employees who contract AIDS. But Air Canada spokesmen say that, although they are not aware that any current employees have AIDS, company regulations allow victims of the disease to continue working at their jobs—provided they are

medically fit and pose no threat to the safety of passengers and fellow workers.

And in Rosemont, the small town in southern Ontario where Donald McCracken returned to die, his mother, Marion, maintains that her son car-

Lesbian mom loses case

EDMONTON SUN JAN 12/87

KANSAS CITY, Mo. (UPI) — A judge has ruled a divorced lesbian mother cannot have her children stay overnight if her live-in-lover is at home.

Judge Jack E. Gant said his decision was in the best interest of the woman's children because practicing homosexuality in Missouri is a crime.

The woman's lawyer said Gant's decision is devastating to the rights of homosexual parents in the state.

"I'm totally disappointed that her sexual preference has affected the decision because it has absolutely, positively nothing to do with the way she parents," said lawyer Janet Ensign.

In a five-page order Gant wrote, "The children would be exposed to and subjected to a lifestyle which is in conflict with the values they are being taught in school and church and which is potentially harmful to the psychological and social development of the children."

The father of the three girls and a boy, aged eight to 13 years old, testified during the trial that he was a devout Catholic and intended to raise his children in that manner.

The couple was divorced in 1984.

Gant said that in the past, he has ruled against heterosexual parents who want to have both their sexual partners and children spend the night.

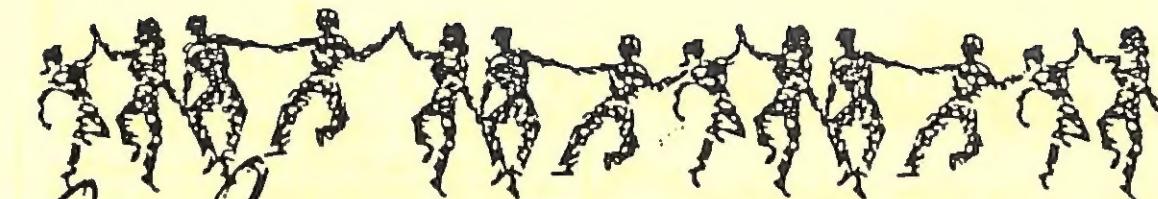
GALA 87 is now in the planning stage. Volunteers are needed to bring ideas, work to make GALA 87 an exciting, wonderful week of GAY AND LESBIAN CELEBRATION.

GALA CIVIL RIGHTS COMMITTEE

The ALBERTA HUMAN RIGHTS COMMISSION has indicated to GALA that they will document any civil rights complaints submitted to them. If you have had any gay rights problem, GALA-CRC will assist you in lodging a complaint. Phone Liz at 489-7998 or

Barry at 469-4286

ried out his duties with no risk to the passengers he served. She added, "He loved his work and he would be sad to hear that this is happening." But union officials say that they may take their case to the courts if PWA does not rescind its ban. That pledge alone guarantees that the controversial issue of AIDS victims' right to work will not quickly disappear.



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CONNECTION

A COMPENDIUM OF CIVIL RIGHTS NEWS

APRIL 1987
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Gays win a round Book battle drags on amid bias charges

Classical music greets visitors at the door of the Glad Day Bookshop, Canada's largest bookstore for the homosexual community.

Books on theology and feminism are mixed with the writings of prominent homosexual authors and books on gay themes. The atmosphere is dignified and relaxed.

What is missing are books that have been detained by Canada Customs officials. Two novels in French by Yves Navarre, a winner of France's most prestigious literary award, the Prix Goncourt, were stopped this month.

A collection of poems by Allan Ginsberg, a novel attributed to Oscar Wilde, and a homosexual's memoir of his experience in a Nazi concentration camp received the same treatment a few months ago.

It took weeks before an appeal to Department of National Revenue officials in Ottawa was successful and the books were released for sale.

It's a familiar process that James McPhee, manager of Glad Day, has come to know well. "Practically every day, a notice will appear saying that they've detained something. Everything that does arrive has been opened. We've had about 20 different novels seized this year."

For more than 10 years, the bookstore on Yonge Street in Toronto has kept a file on what has become a steady increase in the seizure of import shipments.

But last week, the bookstore beat Canada Customs. Its challenge of a ban on *The Joy of Gay Sex*, a widely distributed guide on homosexual life and sex practices, was upheld by a district court judge.

The ruling could have broad implications for most of the material, both visual and written, that has been seized. Judge Bruce Hawkins found that despite Canada Customs' strict ban on the importation of material dealing with anal sex, the illustrations in *The Joy of Gay Sex* were not obscene.

"Virtually all the seizures have been due to depictions or descriptions of anal sex," Mr. McPhee said.

Charles Campbell, a civil liberties lawyer, had argued that the illustrations in *The Joy of Gay Sex* did not offend federal obscenity legislation.

But he says it is the detention of novels that he finds most ridiculous.

"When this starts applying to novels, I can't imagine even the most conservative people agreeing to it. The system is totally incapable of evaluating books. What's going on is very dangerous."

The customs operation is a massive and complex one. More than 3,500 officials check goods being imported into Canada.

Though they have little specialized training in evaluating obscene material, they are responsible for detaining goods they feel are in violation of custom guidelines. Those prohibit material that describe such activities as sex with children, bestiality, and sexual violence.

But no banning order is made until one of 24

BY DREW FAGAN
The Globe and Mail

When clerks act as censors

Edmonton Journal
March 24, 1987

Freedom of information is too important to our society to entrust to the discretion of junior federal clerks.

Yet by allowing customs officers to define obscenity and to censor books, magazines and other materials according to their personal tastes, Ottawa gives them extraordinary powers that are denied even to our elected members of Parliament and the judiciary.

It is the responsibility of politicians to define and legislate obscenity laws; of courts to interpret and uphold them. Border inspectors have no place in the process.

But customs officers continue to seize and censor; they continue to impose their morals on the rest of society, dictating what we may read.

Three months ago they impounded homosexual magazines destined for a Vancouver bookstore. The magazines, which mentioned anal intercourse in a discussion about preventing the spread of acquired immune deficiency syndrome, are available at the Vancouver public library.

A Toronto bookstore has had about 20 different novels seized by customs officers so far this year. They include two novels by the winner of France's most prestigious literary award, a collection of poems by Allan Ginsberg, a novel attributed to Oscar Wilde and a homosexual's memoirs of his experience in a Nazi concentration camp.

More than 3,500 customs officers check goods that are being imported into Canada. While they have little specialized training in evaluating obscene material, they do have a 75-page list of films, magazines, books, video cassettes and comic books to assist them; a six-person, prohibited-importations unit has viewed the material and deemed it obscene under Canada Customs regulations.

But obscenity regulations properly belong in the federal Criminal Code. Under those provisions police can lay charges against those who import and sell so-called pornographic material. And anyone accused of the offence has recourse to due process through the courts.

Empowering customs officers with the right to dictate to Canadians what they can read or view is as distasteful as giving them sweeping censorship rights.

Judge backs gays on book

From Page One

commodities officials who specialize in obscene material makes a ruling on the item.

Those decisions are in turn based on a list of films, magazines, books, video cassettes and comic books that have been examined by a six-person Prohibited Importations Unit in Ottawa and deemed to be obscene.

It runs more than 75 pages. Much of the material that gets caught in the web is eventually burned.

"The vast majority of it would be viewed by the public as appropriately prohibited," Tom Greig, assistant deputy minister in the Revenue Department, said. "It's all pretty disgusting."

But appeals by importers are frequent and about 250 to 300 prohibition orders are taken to high-level bureaucrats in the Revenue Department for review. It is only then that considerations such as artistic merit are taken into account.

"We give the (customs) people across the country close direction," Mr. Greig said. "On occasion, the first decision will be reversed ... But that doesn't happen often."

Appeals to the courts, as in the Glad Day case, are even less frequent. But Little Sisters, a gay bookstore in Vancouver, is hoping to be equally successful.

Another court challenge of Canada Customs' obscenity regulations has been launched by the British Columbia Civil Liberties Association on behalf of the bookstore.

A decision is expected soon on the detention three months ago of a shipment of 500 books that had been destined for Little Sisters. It included a work by French poet and playwright Jean Genet.

The bookstore's troubles do not stop there. Most of the homosexual magazines it used to import from the United States are no longer available. "They decided it wasn't worth the hassle of trying to get past customs," said Bruce Smyth, a co-owner of Little Sisters.

One of those, New York Native, emphasizes the most recent information available on AIDS. A memorandum from Canada Customs last December stated that material on acquired immune deficiency syndrome would not be prohibited entry simply because it contained "incidental but necessary" references to anal sex.

"That looks great in print, but it's meaningless," Mr. Smyth said. "They just say things for public consumption."

The situation amounts to one thing, Mr. McPhee said. Canada Customs is discriminating against the homosexual community. "There is a very clear anti-gay bias. ... We're being singled out for harsh treatment."

That charge makes Mr. Greig bristle. "The suggestion that we're picking on the homosexual community isn't true at all. The vast majority of prohibited items are heterosexual."

The accusation of discrimination was a key part of the Glad Day case. Mr. Campbell had argued that homosexuals were being treated unfairly because depictions of their sexuality were banned, while the same was not true for heterosexuals.

But court rulings, in addition to Judge Hawkins' decision, have given mixed treatment to cases involving depictions of anal sex — the key issue regarding The Joy of Gay Sex case and censorship concerns in the gay community.

"The Joy of Gay Sex was clearly a difficult call to make and in that case the matter was discussed with the Deputy Minister before a final decision was issued," Mr. Greig said.

Gillian O'Reilly, an official with the Canadian Booksellers Association, said it appears that bookstores such as Glad Day and Little Sisters that cater to the homosexual community are being particularly hard hit by the censors.

"There is relatively little that falls into a grey area," Mr. Greig said. "Those are the ones that are the subject of public debate and in some cases resolution by the courts."

But while Mr. Greig defends the system by emphasizing the opportunity for appeal if blunders are made, Mr. Campbell questions whether bureaucrats should be involved in deciding on such prohibitions in the first place.

"One of the legal arguments that will eventually have to be determined is whether it's justified to have two or three levels of censorship ... The absurdity of all this is that customs officials are being more draconian than the police are."

Mr. Greig acknowledges that bookstores with a track record for importing material that gets seized are going to be more closely checked by customs officers than others. That is only logical, he said.

But that attention has proved to be a serious financial drain on Glad Day and Little Sisters.

In addition to legal costs of more than \$10,000 that Glad Day has incurred, annual store sales of about \$400,000 have dropped by about 20 per cent because of the material that is not getting through and the magazines that are no longer available, Mr. McPhee said.

"When books get banned in the United States, people get furious. That simply hasn't happened here."

Couples club for Bermuda

Only couples need apply when the former Harmony Hall hotel in Paget, Bermuda reopens March 28 after extensive renovations.

Renamed Harmony Club, the hotel is being promoted as a romantic setting for lovers of all ages. Neither children nor singles will be accepted. The new rate of \$280 U.S. per room per day includes three meals, afternoon tea, all drinks, rental of a moped, tennis facilities and other extras.

A marriage certificate is not required and couples of the same sex will be accepted. There are no restrictions on guests at the chain's other Bermuda properties, the Belmont in Warwick and the Bermudiana in Hamilton.

Gay saint causes stir

BALTIMORE (UPI) — An article by a Roman Catholic priest proposing as a homosexual role model a medieval saint who took ice baths to control his "carnal impulses" has caused an uproar in the church.

In January, the Rev. Paul Thomas published an article in the Baltimore archdiocesan newspaper, *The Catholic Review*, about St. Aelred. Thomas wrote that the 12th century saint's "erotic attraction to men remained a dominant force throughout his entire life."

The article said the saint fasted and took icy baths to control his "carnal impulses." Thomas' article suggested that homosexuals use St. Aelred's example as their role model.

The paper got many letters attacking the notion the saint was homosexual.

Baltimore Archbishop William Borders called the piece "way off base" and said he wished it hadn't been printed.

EVENTS SCHEDULED

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MORE TO COME, WATCH FOR MORE EVENTS.

NEWS FLASH !!!

NEWFOUNDLAND, YES YOU READ IT RIGHT, HAS HAD MEETINGS WITH GAY ACTIVISTS WITH A VIEW TO AMENDING THEIR LEGISLATION

THE YUKON HAS PASSED LEGISLATION TO ESTABLISH HUMAN RIGHTS. IT INCLUDES SEXUAL ORIENTATION.

MANITOBA IS CONSIDERING AMENDING THEIR LEGISLATION. RUMOR HAS IT AT THE CABINET LEVEL NOW.

legislating equality

Bill C-212:

by Greg Ip and John Gushue (CUP)

The Roman Emperor Justinian thought there was a simple explanation for earthquakes — homosexuality.

Activists in Ontario say another kind of earthquake shook the province in December when the legislature enshrined gay and lesbian rights in the provincial Human Rights Code. The passage of the amendment to Bill 7 makes Ontario the second province, following Quebec, to prohibit discrimination on the basis of sexual orientation.

Now, activists are trying to create an even bigger earthquake: an amendment to the Canadian Human Rights Act which would protect gays and lesbians against discrimination in all areas of federal law, from banks to the Canadian Armed Forces. If passed, it could spur similar amendments to other provincial human rights codes.

But supporters of the federal amendment face fierce and widespread opposition, especially from fundamentalist church groups and other conservative organizations, such as REAL Women, that defend "family values". British Columbia MP Svend Robinson has introduced an amendment to the Canadian Human Rights Act, known as Bill C-212, while the Department of Justice contemplates introducing legislation of its own; either way, Parliament has already been inundated with mail condemning the proposed amendment.

"We had a taste in the Ontario legislature of the kind of hostility and the arguments that would be used against this amendment," Robinson told a gathering of gay and lesbian activists in Ottawa Jan. 19. He was referring to the concerted efforts of the Ontario Conference of Catholic Bishops, the National Citizens Coalition, REAL Women and others to block the amendment to Bill 7. It eventually passed Dec. 2, 64 to 45.

Robinson's motion involves just two words, "sexual orientation", but its implications are far-reaching. With his amendment, the Act would read: "Every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have ... without being hindered or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital status ..."

The amended act would prohibit discrimination based on sexual orientation in all federally regulated industries and agencies, including airlines, banks, most transportation companies, all crown corporations, and, as Robinson calls them, "two of the most homophobic employers in Canada": the RCMP and the Canadian Armed Forces. Discrimination would be banned in both employment practices and provision of services.

But activists fear pressure from the "dinosaur wing" of the Conservative caucus and well-organized lobby groups will force the government to back down on its commitment. Even without a bill on the floor, some Tory backbenchers have shown hostility to any sort of protection for gays.

"Can you feature a fairy RCMP constable trying to arrest a lumberjack with a powder puff?" Alberta Conservative Gordon Taylor asked the Commons Oct. 20. "Can you imagine a lesbian RCMP fairy at the scene of an armed robbery screaming: 'Stop, surprise, or I will hit you over the head with my purse?'

Taylor, responding to the NDP's support for bringing RCMP hiring policies in line with Robinson's amendment, surprised many of his colleagues with outspoken attacks against gays and lesbians. However, he is not alone; other Conservatives have been equally if not more strident in condemning gays.

Ron Stewart, Parliamentary Secretary to the Minister of Supply and Services, attacked Robinson's bill Dec. 1. "This is not an amendment on sexual orientation. This is an amendment on sexual deviation," Stewart said. "Homosexual is anti-biological, it is anti-medical, anti-biblical ... it is anti-family, and it is anti-social. It is pro-deviate and it is absolutely disgusting to most Canadians."

In fact, a 1985 national Gallup poll showed about 70 per cent of Canadians polled supported the prohibition of discrimination based on sexual orientation.

However, such polls and the passage of Bill 7 in Ontario only appear to have intensified the anti-gay lobby's fight. At the forefront of the

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latest campaign is the Toronto area-based fundamentalist coalition Evangelical Fellowship of Canada, Canadian University Press has determined.

The Evangelical Fellowship of Canada has already started coordinating the anti-gay and lesbian effort by sending information to its member churches on who to write to in Parliament, and what to tell them. Justice Minister Ray Hnatyshyn, Liberal justice critic Robert Kaplan and NDP justice critic Robinson are all receiving a steady flow of letters protesting the proposed amendment.

Brian Stiller, director of the Fellowship, which claims to represent between two and 2.5 million Canadians, is deeply worried by the implications of amending the federal Act.

"We are for justice and rights for homosexuals — that's not our contention," Stiller said. "Our contention is that there is no need to

group homosexuals into special categories. You wouldn't put obese people into a special group, so why should you put homosexuals into a special group?"

Stiller said the Fellowship will soon issue a "National Alert" to its members, further warning of advances made by the gay rights movement. The Fellowship, he said, has already come out strongly against Robinson's amendment with a pamphlet, *Uncharted Waters*, which describes hazards the amendment might entail.

"Our first concern is that a volunteer agency (such as Big Brothers) could lose its right to define its own code of conduct," Stiller said. "Private and religious schools would also be forced to teach homosexuality as an acceptable alternative lifestyle."

The letters have already begun to arrive en masse, attacking proposed government legislation.

"Just today, we received 22 letters opposed to this legislation, although it hasn't even been introduced," Dave Pepper, a researcher in Robinson's office, said in an interview. "Obviously there is an organized campaign out there, which has begun its work." But Pepper adds, "There has also been a very concerted letter-writing campaign in support of this legislation."

Some anti-gay and lesbian letters, obtained by Canadian University Press but without signatures of authors, are remarkably similar although they originate from different provinces. Writers call on Hnatyshyn to not "let our people go to the dogs, so to speak, by opening up this Pandora's box of evil" or "give undue protection to the 'rights' of select groups of people at the expense of the rights of those who live in the mainstream of our society."

"Why single out for special favour what is possibly the most anti-social behaviour, short of pre-meditated murder, known to mankind?" one letter reads. "Please consider and promote the health of our nation!" implores another.

Robinson brushes aside most such letters. "I get a lot of hate mail," he said. "I just file it."

Likewise, activists lobbying for Bill C-212 are not deterred by the ferocity of the opposition they face. Debbie Hughes, a member of EGALE (Equality for Gays and Lesbians Everywhere), said her group has met all the "normal resistance," but it doesn't bother them. EGALE is an Ottawa-based lobby group whose 20-odd members have taken on most of the physical lobbying in support of Bill C-212.

"I don't see where we can lose. We have the two largest provinces protected, and we have the federal civil service protected," said Hughes. "The kind of rhetoric that's been dressed up as religious belief is still discrimination by any other name, and I think that people are smart enough to recognize this nonsense."

Nonetheless, Hughes says her group is still counting on the speedy passage of the amendment. "We would like to see this legislation in place for March," she said. Otherwise, "you run into election mode and nobody does anything that's controversial during that period."

The ones worrying most about doing controversial things are the MPs themselves. As the divisive vote in the Ontario legislature on Bill 7 proved, a member's political stripe doesn't dictate his or her vote.

Susan Fish, one of four Conservative MPs to break ranks from her caucus and support the amended Bill 7, says Conservative principles and gay liberation are not mutually exclusive. "I believe in the principle of the dignity of the individual, which is a Conservative belief," said Fish, who will try to influence federal Tories when debate on C-212 begins. (Fish, one of the most outspoken advocates in the legislature, was heavily lobbied before the amendment vote, receiving about 2,500 letters.)

For his part, Phil Gillies, the Brantford MPP who joined Fish in supporting the amendment to the Ontario Human Rights Code, bore a lot of jokes when he addressed EGALE, about spending a "chilly winter in Brantford."

"I know of colleagues of mine who would like to have supported it (the amendment to Bill 7), but because of the incredible barrage of opposition in their constituencies, they decided not to," Gillies said.

The New Democratic and Liberal parties are officially on record as supporting Robinson's amendment, with a few exceptions, including Liberal John Nunziata. The Conservative caucus will likely not vote as a block, given pronounced divisions between key Tories.

While the vote of anti-gay back-benchers such as Gordon Taylor, Ron Stewart, Jim Jepson and John Reimer is predictable, many other MPs will vote carefully on amending the Act.

Gay and lesbian activists say support in public opinion polls for gay rights may sway the votes some undecided votes, while fear of a backlash in constituencies may prevent others from casting support.

There also appears to be a split in Cabinet. Health and Welfare Minister Jake Epp is an Evangelical follower (and appears on a cover of the Evangelical Fellowship of Canada's magazine, *Faith Today*), and may meet opposition from Red Tories like International Trade Minister Pat Carney, who first introduced a gay rights amendment to the human rights act while the Tories were in opposition in 1980.

And if the amendment eventually does pass, will the gay rights battle be won? Hughes says it's hard to ask for more at the moment. Protecting sexual orientation in the Canadian Charter of Rights and Freedoms would be best, but Robinson's attempt to include such protection during the constitutional battles of

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1981 was voted down in committee by 22 to two. Nonetheless, a Charter case being fought right now by a man demoted from the RCMP for being gay might accomplish that.

In other parts of the country, the Yukon Territory is introducing a comprehensive human rights code which includes sexual orientation as a prohibited grounds for discrimination, and Manitoba Attorney-General Roland Penner is planning to introduce similar legislation this spring.

Although no amount of legislation will change deep-seated attitudes towards gays and lesbians, it can still have a positive effect on how legislators behave, says Hughes.

The struggle for gay rights is simply a struggle for human rights.

"If sexual orientation was protected (in the Human Rights Act), would it have been possible for an MP to stand up in the House of Commons and call a person a powder puff? Could they do it to a black person? Would they do it with the legislation?" she said. With an amendment to the act, "I don't think everybody would accept it, but I think people would think twice about making derogatory remarks."

Hughes is disturbed by how her group's goals have been called anti-family and anti-social, and emphasizes that the struggle for gay rights is simply a struggle for human rights.

"Some of us are married and have our own children. When people say we don't have family values, it's a lie. We were not hatched from dinosaur eggs. We are the children of people who gave us family values."

Thank-you to the contributors:

writers:

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Sidney Lancaster

and special thanks to:
Ann Lynagh
Jerome Ryckborst

The only unnatural sex act is one that can't be performed.

Alfred Kinsey

Some people say, "If you have homosexual teachers, you're automatically going to have homosexual students." I don't know about that theory. Because if it were true, today I would be a nun.

Mark Russell

TOM, JIM & CANADA CUSTOMS

On July 2, 1986 I got a brown envelope from Canada Customs office in Regina containing a notice of detention, a form letter saying some drawings by Tom of Finland, which I had ordered from an address in California, had been seized under Tariff Item 99201-1. I had 90 days to appeal the decision.

I made a trip to the public library to learn about the Customs Tariff and the Criminal Code. The items were seized under Tariff Item 99201-1 which read:

Any publication, the dominant characteristic of which is the undue exploitation of sex or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed obscene.

This was obviously not a description of Tom of Finland's drawings, so I filled out Form B2A, which is a Request for Re-determination, and typed a three-page defense of Tom of Finland. I mailed my appeal to Regina July 18, 1986 where a customs appraiser looks at the material and makes a decision.

My letter basically pointed out that image of men with huge cocks were not obscene, that they had been reproduced elsewhere in Canadian publications

PERCEPTIONS ISSUE 31

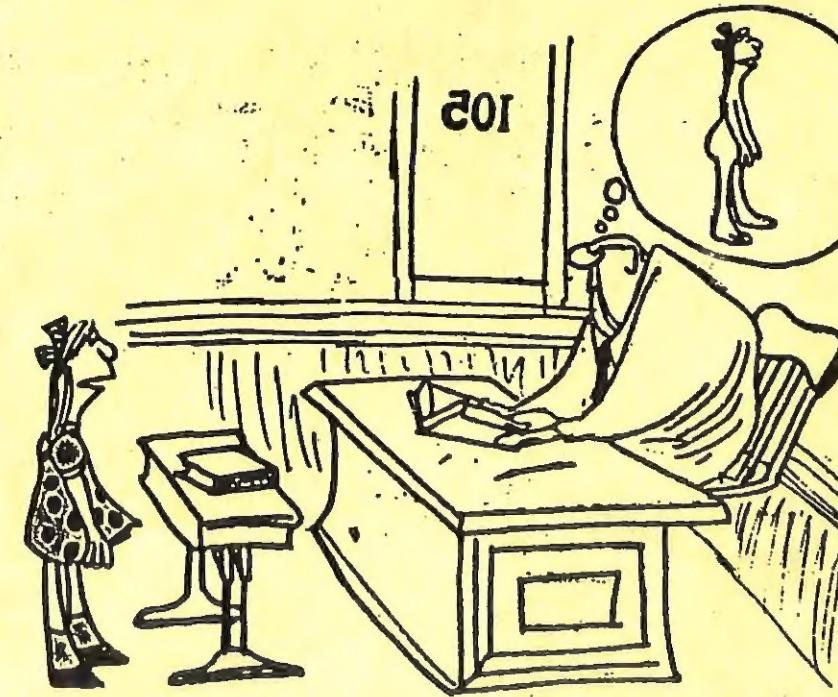
On August 11, 1986, I got a one-sentence reply: "The goods have been reviewed and are deemed to be obscene under the terms of Tariff Item 99201-1 of Schedule C of the Customs Tariff."

The next step in the appeal process is form K14D, Request to Deputy Minister for Re-determination.

On September 22, 1986 I sent to Ottawa form K14D and a similar three-page defence of Tom of Finland that I sent to Regina, this time to be reviewed by the Deputy Minister of Customs and Excise. On January 13, 1987 I got a reply:

The articles in question have been reviewed by the Deputy Minister pursuant to subsection 63(3) of the Customs Act and it is his decision that they have been correctly classified as obscene under Tariff Item 99201-1 of Schedule C of the Customs Tariff. Consequently, their importation is prohibited.

Although it is possible to launch an appeal in Federal Court under section 68 of the Customs Tariff Act, the story stops here. The government wins because they have money (taxpayers' money) and power on their side.

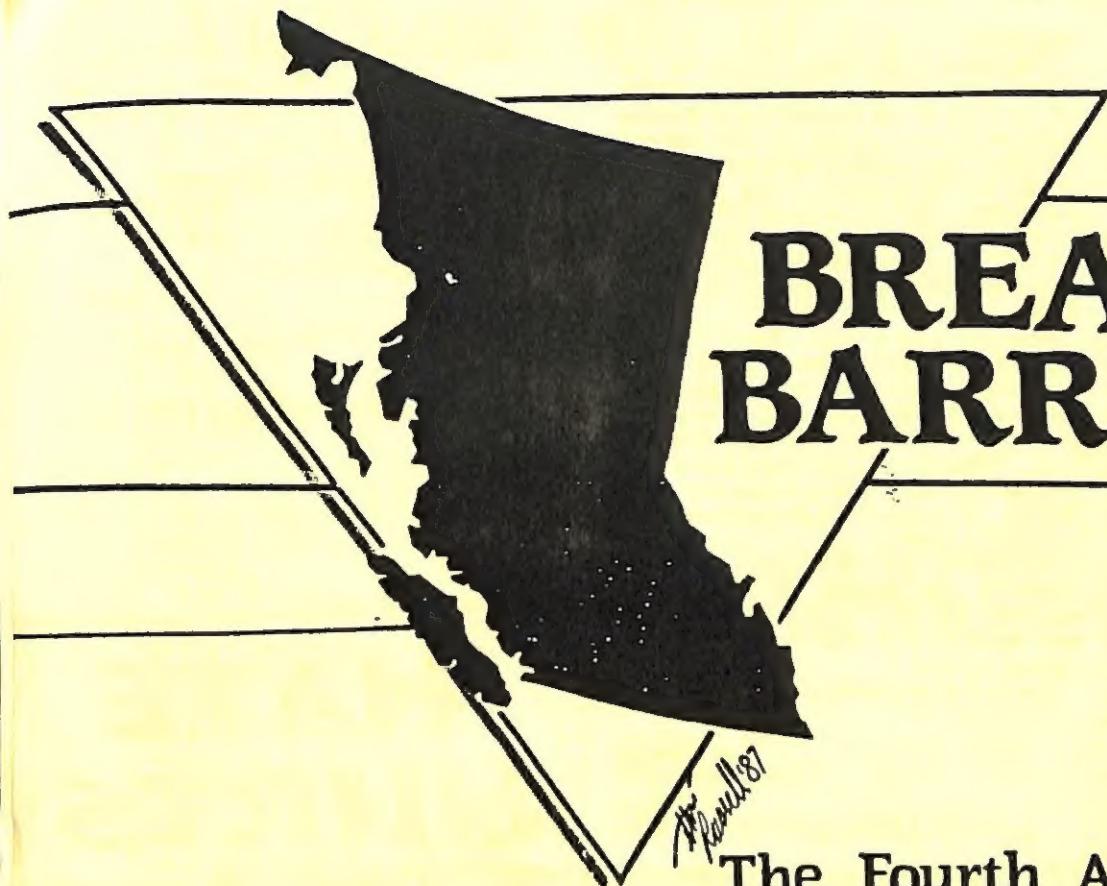


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